

FILED  
Clerk  
District Court

MAR 27 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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Attorney for Defendant Babauta

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLAND**

UNITED STATES OF AMERICA	) <b>CRIMINAL CASE NO. 04-0009</b>
	)
Plaintiff/Appellee	) <b>DECLARATION OF COUNSEL</b>
	) <b>SUPPORTING MOTION FOR</b>
v.	) <b>ORDER TO SET HEARING</b>
	) <b>DATE TO SET TERMS AND</b>
PEDRO Q. BABAUTA	) <b>CONDITIONS FOR RELEASE</b>
	)
Defendant/Appellant	)
_____	)

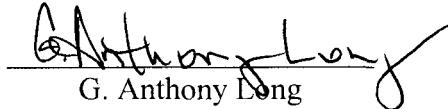
I, G. Anthony Long hereby declare as follows:

1. I am the attorney for Pedro Babauta.
2. On March 6, 2006 the Ninth Circuit issued an order for Babauta's release pending appeal.
3. During a March 23, 2006 chamber conference with the Court and Assistant Attorney General Timothy E. Moran, Esq., in another case, the matter of a hearing date for Babauta was discussed and the issue of the necessity for a mandate arose.
4. On Friday March 24, 2006 I telephoned the Ninth Circuit Criminal Appeals division concerning a mandate. I was informed that a mandate will not be issued and the Court's order to

1 set terms and conditions is sufficient for a release hearing.

2 5. On the afternoon of Friday, March 24, 2006, I informed Assistant U.S. Attorney Moran of  
3 my conversation with the Ninth Circuit. Mr. Moran advised that he would not oppose an ex parte  
4 motion to set a hearing date for the court to set terms and conditions for Babauta's release.

5  
6  
7 I, hereby declare under penalty of perjury; pursuant to the laws of the United States of  
8 America, that the above is true and correct and execute this declaration on Saipan on this 27th  
9 day of March, 2006.

10  
11   
12 G. Anthony Long

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